Garrison's Case

Richard H. Popkin

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For some time the assassination of John F. Kennedy and the reliability of the Warren Commission Report have been major issues of public interest, leading to many calls for reinvestigation of the case. Charges and counter-attacks have been pouring forth in the ever-expanding literature on the subject. CBS went so far as to devote four full hours to an attempt to rehabilitate the Warren Commission theory.

Since February most interest in the case has focused on the new investigation being conducted by District Attorney Jim Garrison of New Orleans. Garrison claimed in February that "my staff and I solved the case weeks ago. I wouldn't say this if we didn't have evidence beyond the shadow of a doubt. We know what cities were involved, we know how it was done, in the essential aspects: we know the key individuals involved, and we are in the process of developing evidence now."

On February 22 one of Garrison's chief suspects, David W. Ferrie, died, shortly before Garrison planned to arrest him. A few days later he did arrest a leading New Orleans businessman and socialite, Clay Shaw, and charged him with conspiring, under the name of Clay or Clem Bertrand, with Ferrie, Lee Harvey Oswald, and others to assassinate President Kennedy. The thesis Garrison has set forth is that a group of New Orleans-based, anti-Castroites, supported and/or encouraged by the CIA in their anti-Castro activities, in the late summer or early fall of 1963 conspired to assassinate John F. Kennedy. This group, according to Garrison, included Shaw, Ferrie, Oswald, Jack Ruby, and others, including Cuban exiles and American anti-Castroites. It is claimed that their plan was executed in Dallas on November 22, 1963. At least part of their motivation, on this thesis, was their reaction to Kennedy's decisions at the Bay of Pigs, and the change in US policy toward Cuba following the missiles crisis of 1962.

At first, the press treated Garrison's claims with caution, reserving judgment. At the preliminary hearings of March 14-17, Shaw was indicted for conspiring with Ferrie and Oswald to assassinate the President. Newspapers, such as *The New York Times* and the Washington *Post*, began expressing skepticism about the evidence. A few weeks later, James Phelan in the *Saturday Evening Post*, May 6, 1967 issue, launched an attack on the credibility of the testimony of Perry Russo, the chief witness at the preliminary hearings, and strongly suggested that his testimony had been induced by hypnosis. Later, on May 15, *Newsweek*, which had been scoffing since the Shaw hearings, published a story by Hugh Aynesworth charging Garrison with attempted bribery of potential witnesses and claiming Garrison had no real evidence. The attacks reached a crescendo in June with a front-page story in *The New York Times* (June 12) purporting to describe the ways in which Garrison tried to entice people to give evidence, and how he had tried to fabricate it; with the defection of Garrison's

assistant, William Gurvich, who said that there was no real evidence and that Garrison was using illegal and immoral methods; with the NBC blast against Garrison, CBS'S four-hour defense of the Warren Commission, and so on.

The total impression has been that Garrison is behaving illegally and unethically, and that he should be stopped. As Garrison himself said in his TV reply on July 15, as far as NBC and other news media are concerned the case against Clay Shaw has already been tried and the District Attorney has been found guilty. In this article I shall try to show that this judgment is quite wrong, and that Garrison has, on the contrary, a case that deserves a fair hearing. It is a case, moreover, that has survived every legal attack on it so far.

The trial of Dean Andrews for perjury—which ended in a conviction on August 14—was the occasion for the most recent of these attacks. This was the first trial to result from Garrison's investigation, and it deserves the careful attention of those who assume that Garrison is a fraud. Andrews is a New Orleans lawyer and former Assistant District Attorney of Jefferson Parish. He first appeared in the Oswald case in November 1963 when he reported to the FBI that Oswald had been his client; that Oswald had been accompanied on his visits to Andrews's office once by a Mexican and on other occasions by Latin homosexuals; and that on November 23, 1963 Andrews received a telephone call from a man named Clay Bertrand who asked him to defend Oswald. Andrews's testimony was later taken by the Warren Commission, which chose not to believe him, though he had ample corroboration of his story. (The significance of Andrews's story will be discussed later on.)

When Garrison started reinvestigating the case, he tried to get Andrews to identify the mysterious Clay Bertrand, Oswald's patron, and to see if Bertrand was Shaw. Called before the Orleans Parish Grand Jury in March, Andrews claimed that he could *not* identify Bertrand (though he told the Warren Commission that he could and that he had seen the man recently). Then in June he testified again and this time told the jury that Bertrand was a New Orleans tavernkeeper, Eugene Davis. Andrews was convicted for perjuring himself when he told the first Grand Jury different stories from what he told the Warren Commission.

Andrews tried to prevent this trial from taking place by filing a five-page motion for "recusation" (removal because of prejudice) against Garrison. This amounted to a brief charging that Garrison had no evidence of a conspiracy to kill Kennedy and that the alleged evidence had been fabricated. The "only conspiracy existing," he charged, "is the conspiracy planted in Perry Russo's mind through the use of hypnotic suggestion." The hearing on Andrews's motion was the first public and legal airing of the charges against Garrison that have been circulating in the press and on TV for months. Andrews called many witnesses, including Garrison, his staff, and Gurvich, a former assistant who had turned against Garrison. He claimed he would bring in an expert from the East Coast to prove charges against Russo, but the expert never appeared. But he was able to do little or nothing to substantiate the allegations against Garrison that the public has read in *The New York Times* and heard on NBC and CBS.

No doubt the charges against Garrison will be presented more fully at Shaw's trial this fall. But in the meantime the view that Garrison is a fraud seems to have found widespread acceptance and to have led to an almost passionate hostility among certain intellectuals toward Garrison and his theories. People seem unwilling to wait to see what the evidence amounts to when Shaw is tried. Some also seem to accept uncritically the validity of all charges made against Garrison and his evidence.

IN THE LAST SIX MONTHS, I have made several trips to New Orleans with my associate, Jones Harris, in order to interview Garrison and his staff. I find that the public picture being created of them by the press and TV bears little relation to the man, his associates, and their work. The newspapers seem fixated on Garrison's early public claims that he had solved the case, and that sensational arrests would follow shortly. They have constructed a picture of a flamboyant publicity-seeker, who has no case and has been concocting evidence. Garrison is certainly a flamboyant man, but he appears to me to be working seriously and diligently on trying to unravel the mysteries that led to the murders of Kennedy, Tippit, and Oswald. Like everyone I know who works on the case, he does a lot of theorizing, and is sometimes carried away by his theories. But he and his staff have done an enormous job of sifting evidence, following leads, opening up new areas of investigation. His small staff is not ideally equipped to deal with so complicated an investigation, but in several instances they have been able to go further into various strange matters than the Warren Commission was willing or able to do. And no other legal agency has undertaken this venture.

The impression being created by the press and TV that Garrison is a charlatan trying to manufacture a case by persecuting a group of New Orleans homosexuals does not conform to what I have seen of his activities. (It is interesting that the New Orleans press, the *States-Item* and the *Times-Picayune*, does not share the hostile and debunking attitude of the rest of the press, and that its reporters often publish stories supporting Garrison's work and discrediting the attacks upon him.) Before considering whether the public information indicates that Garrison's theory is plausible or possible. I should like first to examine some of the criticisms that have been raised, and some of the difficulties Garrison has been encountering in developing his case.

1.) When Garrison first made his accusations against Shaw and Ferrie, it was revealed that there were still forty pages of classified materials on Ferrie in the National Archives (*New York Times*, February 25, 1967). Garrison has consistently been refused access to this material. No official explanation has been offered about why this material is classified, or what it deals with. Rumors circulate that it contains interviews with New Orleans homosexuals, and it is to protect them from embarrassment that these papers are being withheld. Yet the Warren Commission showed no such squeamishness in including some of the junk it did publish in the twenty-six volumes, such as a discredited rumor about a homosexual who was supposed to have slept with both Ruby and Oswald. (The reports give his name, address, occupation, etc., though he has apparently nothing whatsoever to do with the case.) Ferrie has been accused of being involved

in a monumental crime, and yet relevant documents are still classified. Moreover, the FBI has been pooh-poohing the matter since Garrison first made his charges against Ferrie; the FBI stated in February that they had investigated him after the assassination and found he wasn't involved (apparently mainly because his plane was not in condition to fly at the time). Without waiting for any indication as to whether Garrison had new evidence, the FBI attempted to prejudge the matter, and has continued to do so ever since (as well as to warn some potential witnesses not to talk to anybody). The Attorney General, Ramsay Clark, as soon as he was appointed; announced that the FBI had investigated Clay Shaw and cleared him. (A few weeks after this statement appeared, on page one of *The New York Times*, the government admitted that it was false, and that Shaw had never been investigated in connection with the case.) The FBI has been most uncooperative with the New Orleans Grand Jury, which has called or tried to call several of its agents who were active in New Orleans in the summer of 1963.

It seems odd that when an indictment has been handed down and a case is before the courts in Louisiana, the FBI and the Attorney General have seen fit to interfere with the orderly process of justice in a New Orleans court.

2.) Garrison has also had difficulties in extradicting persons he thinks may be connected with the case. He has tried to bring back two persons by accusing them of a specific crime not directly related to the case, a theft of munitions in 1961. After lengthy legal difficulties with the governors of Ohio and Texas, Garrison has apparently given up these efforts. One of the suspects, Gordon Novel, left New Orleans suddenly when he was about to be questioned by the Grand Jury. Novel has indicated in press statements that he had been involved in CIA activities. His lawyer has said he was a CIA intermediary with the anti-Castro Cubans. Novel has also said, according to the New Orleans papers, that he has been on the NBC payroll since February 1, 1967, helping them to prepare their attack on Garrison. After months of trying to question him, the latest indications (*States-Item*, August 1) are that he may soon be returning of his own volition to New Orleans.

Another potential witness, Sandra Moffitt, fled or moved to Iowa, a state from which she cannot be extradicted. She has been willing to "testify" on NBC, but not as yet before the New Orleans Grand Jury. Recently, a Vermont judge turned down a summons for J. Wesley Liebeler, the lawyer who had conducted the New Orleans investigation for the Warren Commission, to appear as a witness in the Andrews trial.

3.) The press and TV outside New Orleans have taken a much more active role in opposing what Garrison is doing. In view of the decision in the case of Dr. Sam Sheppard, Judge Haggerty, before whom Shaw is to be tried, has been extremely careful to prevent prejudicing the case by public statements by either the defense or the prosecution. He has issued guidelines to both sides, threatening to hold them in contempt if these are violated. (This was done after some rather strong and potentially prejudicial statements by Garrison, Shaw, and Shaw's lawyers at the time of the original arrest and preliminary hearings of Shaw.) Since then Garrison has studiously avoided any discussion of Shaw and the specific evidence against him, except in a

legal setting, as in his careful rebuttal to NBC. He even avoided discussing Shaw or the evidence when he appeared as a witness at Andrews's hearing on August 9.

On the other hand, the press and TV have had no qualms about interviewing known or potential witnesses, evaluating the testimony and evidence, making charges against the District Attorney and his office, and in effect trying the case out of court (though they usually give lip service to the view that the validity of Garrison's charges should be tested in court). In the Los Angeles *Times* of July 14, an editorial refers to "Garrison's fantastic allegations and weird evidence." It adds, "And the facts to date show that the conspiracy charges by the district attorney are as cockeyed as they are irresponsible." The basis for this prejudgment of the case is chiefly the NBC program of June 19, whose title "The JFK Conspiracy: The Case of Jim Garrison" suggests that Garrison should be on trial, not the defendant.

THE WAVE OF ATTACKS in the press and TV not only surely prejudices a fair trial, making an impartial jury difficult to obtain; it even seems aimed at preventing a trial. The series of intense attacks in June came while Judge Haggerty was entertaining a defense motion to quash the indictment. Gurvich, Garrison's former investigator, is reported to have gone to see the Judge while he was entertaining this motion. As soon as NBC announced it had found the real Clay Bertrand, the defense lawyers said they would move to have the case thrown out of court. A private group in New Orleans, the Metropolitan Crime Commission, in consultation with Shaw's defense lawyers, has used the press and TV allegations to push for an investigation of Garrison by the Attorney General of Louisiana and the Governor. Yet, if the evidence is as contrived and cockeyed as the press and TV allege, they should expect that twelve jurors along with Judge Haggerty will see through it, and will vindicate Shaw and destroy Garrison at the trial. Surely they suggest an unseemly impatience with or lack of confidence in the jury system. The trial will probably be held in October or November, though the Judge has not yet set a date. But the press and TV hammer at the evidence presented at a preliminary hearing in which three judges were to decide whether there was sufficient "probable cause" to bind over the defendant for trial. (That there is probably much more evidence will be discussed below.) At least one of the judges seemed disposed toward the defense, yet all three voted unanimously to indict Shaw. *Newsweek* immediately sneered that this proved nothing, since it is much harder to get a Grand Jury to indict. The Grand Jury, on apparently the same evidence, indicted Shaw. Yet the press and TV, on the basis of allegations which have not been tested by the courts, in affidavits, or in cross-examination, have seen fit to overrule three judges and the Grand Jury! Indeed, although the American public hardly seems aware of it, Garrison has won all of the legal skirmishes that have resulted from the allegations in the press and on TV. The two New Orleans newspapers carry continuous coverage of these matters. The charges appear nationally, the answers and resolutions only locally.

4.) Let's look at a few of the more sensational cases. On June 12, we are told on the front page of *The New York Times* (whereas news of the case usually appears on the penultimate page of section 2) that a convicted burglar, John

Cancler, says that the testimony of Bundy is false. Bundy is a convict who had claimed at the preliminary hearing that he saw Shaw give Oswald money. Cancler also says that Garrison's office tried to induce him to plant evidence in Shaw's house. *The New York Times* took Cancler's claims at face value, and NBC featured Cancler on their program. As far as I know, only the New Orleans papers mentioned the strange fact that Cancler refused to state his claims in an affidavit, a usual way to make legally relevant statements of fact. Then, as Garrison revealed on his TV rebuttal, when the New Orleans Grand Jury called Cancler and asked him if the statements he had made on NBC-TV were true, he took the Fifth Amendment. Thus, on the one occasion when Cancler had the opportunity to make his charges in a legal proceeding, he declined to do so. (NBC said "The fact that he has availed himself of his constitutional rights does not affect the truth of his statements" [*Times-Picayune*, July 16, 1967]. It does, however, affect their credibility.) After Cancler took the Fifth Amendment, the foreman of the Grand Jury took him before Judge Bagert. He was asked to tell his story, and he again refused. The Judge then found him guilty of contempt, fined him, and sentenced him to six months in jail (*States-Item*, July 13, 1967). The matter is now awaiting judicial review. On July 28 he was sentenced to eighteen years in prison for burglary.

A MORE STARTLING case was that of William Gurvich, who had served as a major investigator for Garrison. Late in June, Gurvich broke with Garrison and appeared on the third of the CBS Warren Report Programs, after having visited Senator Robert Kennedy, purportedly to tell him that Garrison had no evidence of a conspiracy to kill his brother. On CBS Gurvich said, "Unquestionably, things have happened in the District Attorney's office that definitely warrants [*sic*] an investigation by the Parish Grand Jury, as well as the Federal Grand Jury." Gurvich was then asked if these methods (presumably those of Garrison and his staff) were illegal, and he replied, "I would say very illegal, and unethical." When asked for details, Gurvich said, "I would rather save that for the Grand Juries." Nationally, Gurvich's charges—that Garrison had no case and that he used illegal and unethical methods—received enormous publicity; they constituted for many people the final destruction of Garrison's credibility and integrity. Gurvich appeared before the Grand Jury on June 28. Right after hearing his testimony, the foreman of the Orleans Parish Grand Jury, Mr. Albert V. LaBiche, issued a statement that so far "no new evidence has been produced to confirm any of the allegations that have been made to date." He then clarified this statement by saying that the allegations in question were those "pertaining to the critics of Mr. Garrison's office" (*Times-Picayune*, June 29, 1967).

According to the New Orleans *States-Item* of June 27, Gurvich had told reporters in late April that he felt the investigation was on "very solid ground," and that "he believed there was a very strong conspiracy case." In fact, Gurvich told me in April that he found Russo a most convincing witness after personally examining him, that the evidence was sound. He also told me he thought that my theory of a "second Oswald" was the most plausible explanation he knew of to explain what had happened. In view of Gurvich's role in the case, some explanation seems required of his change of heart. Apparently he did not convince the Grand Jury of his present

claims. To make them more convincing, according to the July 12 *States-Item*, Gurvich went to Chicago and there "underwent lie detector tests to back up his contention that Garrison's probe has no substance." Gurvich claimed the tests prove his allegations, and he was going to submit them as evidence to the Grand Jury. Gurvich testified again before the Grand Jury on July 12, and there is no indication he convinced them this time. According to the July 14 *Times-Picayune*, he passed out copies of the lie-detector test to the Grand Jury and reporters. (The test questions contain charges that Garrison ordered the beating of two NBC men, and that he discussed raiding the FBI office in New Orleans with red pepper guns.) The national press and TV have made no effort to inform the public that, up to this point, Gurvich has not provided any information which the Grand Jury sees fit to act upon!

5.) If the Gurvich affair has so far not confirmed the charges made against Garrison, another case, that of the "real" Clay Bertrand, also seems to refute the assumptions of the press and TV. One of Garrison's major charges is that Clay Shaw *is* the mysterious Clay Bertrand whom Andrews said had tried to get him to defend Oswald after the assassination. Perry Russo said that the man he identified as Shaw at the party at Ferrie's house was introduced to him as *Clem* Bertrand. In the middle of the NBC program, after interviewing Dean Andrews, Frank McGee said,

> Clay or Clem Bertrand does exist. An NBC News reporter has seen him. Clem Bertrand is not his real name. It is a pseudonym used by a homosexual in New Orleans. For his own protection we will not disclose the real name of the man Andrews knew as Clem Bertrand. His real name has been given to the Department of Justice. He is not Clay Shaw. What, then, of Perry Russo's testimony?

This claim, given nationwide publicity in the press the next day, would certainly affect the attitude of any potential juror. It also immediately led Shaw's lawyers to say they would have the case dismissed. However, it took little effort to discredit it. Garrison found out from the New Orleans NBC affiliate the name of the "real" Clay Bertrand—one Eugene Davis. He had the man called before the Grand Jury along with Dean Andrews who had made the claim. The foreman of the Grand Jury could find no new evidence "to confirm any of the allegations that have been made to date" (*Times-Picayune* June 29). The next day Davis submitted an affidavit saying that Andrews's statements identifying him as Bertrand "are utterly and completely false and malicious and damnable. They are lies without justification." Andrews has said, and he reiterated this on the NBC program, that he had seen Bertrand only twice. But Davis, a bartender, has known Andrews for eighteen years. Andrews has been his lawyer. In his affidavit Davis said that Andrews had, in fact, asked him if he knew Clay Bertrand, or could help Andrews find him. According to Davis, and the *States-Item* (June 29), the FBI looked Davis up shortly after the NBC program, and quickly came to the conclusion that he was not Bertrand.

In spite of the FBI's conclusion, NBC has not retracted its claim. It will be interesting to see what they say now that Andrews has been convicted, Davis testified at length during Andrews's trial. The national press has paid

scant attention to Davis's statements, though they were prominently featured in the New Orleans papers.

6.) Another case, first brought up in *Newsweek* and later featured on NBC, was that of Ferrie's friend, Alvin Beauboeuf. Beauboeuf claimed that he was offered a bribe by one of Garrison's men if he would give evidence about the alleged conspiracy, and that he had a tape recording to prove it. As soon as this charge was made in *Newsweek*, Garrison produced an affidavit sworn to by Beauboeuf on April 12, 1967, which has not been reproduced, as far as I know, in papers outside New Orleans. It is, so far, the only public *sworn* statement by Beauboeuf. In this document he said he was told that

> if I told the entire truth about the case, as I knew it, and that if these facts led to the capture of the men who killed President Kennedy, he [Mr. Loisel, one of Garrison's assistants] felt I would not have to worry about either a job or money. He said, however, that it had to be the truth because the District Attorney's office would require me to take a lie detector test and other tests because they were not interested in building their case on any statements about which there was any question.

Later, in describing the taped conversation, Beauboeuf swore that "Loisel said that they wanted nothing but the truth and no deviation from the truth. He said that to make sure they got the truth I would have to take a lie detector test, hypnosis and sodium pentothal.... Mr. Loisel said that there would be no help of any kind for me [money and/or a job] unless I told the complete truth and unless that truth was corroborated by all these different tests." Then Beauboeuf said that his lawyer wanted to sell the tape, and that the lawyer discussed it with Shaw's attorneys. It was then taken to D.A. Langridge of Jefferson Parish in the hope that Beauboeuf's lawyer "could get a charge to be taken against Loisel," and that this might help keep Beauboeuf out of trouble. Langridge decided the tape provided no basis for a charge.

BEAUBOEUF HAS INSISTED, as he said on NBC, that Garrison forced the affidavit out of him by threats of exposure on other matters. The affidavit and the tape cited by *Newsweek* were turned over to the New Orleans Police Department, and their conclusion was that Loisel's offer did not violate police conduct, that there was no evidence Beauboeuf had been threatened, and—a matter not mentioned on NBC—that the "police are believed to have concluded that the tape was edited or altered after the recording was made" (*States-Item*, June 5, 1967). On NBC Beauboeuf (like many others in this case) said he had been given a polygraph test (in Washington, not by Garrison), and that it showed he was telling the truth.

On June 28, Beauboeuf's charges, as well as the other charges made on NBC, Gurvich's allegations, and Dean Andrews's testimony identifying Eugene Davis as Clay Bertrand, were all presented to the Grand Jury. According to the *States-Item* of June 29, the foreman said "no evidence has been produced to show that Garrison or his office is guilty of false accusations or improper conduct." This is significant, since the Grand Jury is the only body to receive this material in a legal proceeding and under oath.

7.) It should also be mentioned that as a result of the TV crusade against Garrison, the only people charged with crimes have been Walter Sheridan and Richard Townley, two employees of NBC, Both have been formally charged by Garrison with attempting to bribe and intimidate witnesses. (Sheridan is a former Justice Department aide in Robert Kennedy's time.) The charges are based on sworn statements made by Perry Russo and Marlene Mancuso (former lady friend of Gordon Novel). Miss Mancuso's statement predates the NBC program by a month (it is dated May 20, 1967), and describes how she was treated by the NBC people when they tried to induce her to give them an interview. Russo, in a statement made public right after the NBC program, claimed Walter Sheridan had offered to move him to California, protect his job, get him a lawyer, and guarantee him against extradition if "he did side up with NBC and the defense and bust up the Garrison probe." Townley has been charged with attempting to bribe Russo by offering him lodging in California, employment, payment of legal fees, protection and immunity from the state of Louisiana and Garrison's office, and influence on the defense lawyers in their forth coming cross-examination of him (*States-Item*, July 11).

Sheridan and Townley have denied the charges, and NBC has claimed that Garrison is trying to "intimidate those news media which have commented adversely" on what he is doing. Sheridan has said, "It has now become an issue of freedom of the press." It remains to be seen, however, whether attempts have been made to influence or intimidate witnesses, and, if so, whether this comes under the protection of freedom of the press. This matter will, we trust, be aired in open court, and the role of NBC's men in dealing with the witnesses established.

It should be mentioned that Robert Kennedy has risen to Sheridan's defense, and praised his character. However, the New Orleans Grand Jury ran into great difficulty when it tried to question Sheridan, who raised a host of legal problems, claiming, among other things, that being supoenaed by the Grand Jury constituted harassment. All of his motions and appeals were denied by the State Supreme Court (*States-Item*, August 7). Sheridan failed to appear when summoned by the Grand Jury on August 9, and a contempt hearing has been set. He has charged Garrison with suppression of evidence, using the Grand Jury to harass his opponents, personal interest in the case, financial gain, and so on. This motion too was turned down (*States-Item*, July 27). If Sheridan finally appears before the Grand Jury, and then has his day in court, we may be able to tell more definitely whether NBC tried to affect the testimony of witnesses. On August 10, he filed a suit in a Federal court to prevent his Grand Jury appearance.

8.) Before terminating this review of some of the allegations made and what has happened to them, something has to be said about all of the comment, innuendo, and accusations concerning the testimony of the two main witnesses at the preliminary hearings, Perry Russo and Vernon Bundy. The testimony of the latter was immediately discounted by the press when he told the court he was a drug addict at the time he saw Shaw give Oswald money. Later Cancler and another convict, Miguel Torres, told the press and NBC that it was their impression Bundy made up the story in order to get out of jail. The fate of Cancler's claims has already been discussed. Torres is at present trying to avoid appearing before the Grand Jury. His lawyer says

that he fears self-incrimination (*States-Item*, August 17). Whether Bundy is a reliable witness will have to be established in court (rather than by the Warren Commission's intuitive criterion of "credible" witnesses). One of the judges, Bernard J. Bagert said that he knew Bundy, that they had discussed his arrest and possible rehabilitation three or four times in 1966, and that Bundy had seen the Judge more recently after his return from five months in the hospital for an addiction cure. Hence it would seem that at least one of the judges has some basis for assessing Bundy's character and reliability beyond what had been developed in his testimony.

The Russo problem is much more complicated. Russo revealed under cross-examination that he had been given sodium pentothal and had been hypnotized. In the *Saturday Evening Post* and on NBC, James Phelan claimed that Russo was led by hypnotic suggestion to concoct his present story that he attended a party where Shaw, Ferrie, and Oswald were plotting Kennedy's assassination. Phelan contends that Russo did not mention the assassination plot when he first talked to Garrison's assistant Andrew Sciambra (whose notes of the interview apparently do not include it). Sciambra has replied that both he and Russo told Phelan that "Russo did in fact discuss the party and the conspiracy during our first interview." He has also said that the doctors who gave Russo sodium pentothal and hypnotized him "informed Mr. Phelan that no one interjected such new information into the witness's head while he was under hypnosis." So far, Phelan has refused to repeat his allegations before the New Orleans Grand Jury, although he was officially invited to do so. (In fact, he was challenged to do so by Sciambra, who offered to pay all Phelan's expenses if he would come to New Orleans to testify.)

Russo's testimony raises many questions which remain to be resolved one way or another at Shaw's trial. Russo did not report the alleged meeting between Shaw, Ferrie, and Oswald until after Ferrie's death on February 22, 1967. Russo says that it was the news accounts of Ferrie's demise, and the reports that Garrison had been investigating Ferrie as a key figure in the assassination plot that prompted him to contact Garrison about the meeting. When Garrison questioned Russo, various tests were made to see whether Russo could identify Oswald and Shaw. Russo was unable to recognize Lee Harvey Oswald from the standard pictures of him. He insisted the man he had seen was called Leon Oswald, had worn a beard, and was very sloppy. (As I found out from talking to Russo, he is a stickler for detail.) He was only able to identify pictures of Lee Harvey Oswald as the Leon Oswald he had met after the pictures were retouched many times. On the other hand, he apparently identified a picture of Shaw as Clem Bertrand right away. He again identified him through a two-way mirror, and by pointing him out to detectives at Shaw's house.

ONE OF PHELAN'S main allegations is that the hypnosis didn't refresh Russo's memory, but that "he began to remember when Dr. Fatter asked him a series of leading questions. Well, I would say it went beyond that. Dr. Fatter set the stage for him" (NBC program). NBC then interviewed Dr. Jay Katz of Yale, who had seen stenographic transcripts of two of Dr. Fatter's hypnotic sessions with Russo (the court would not admit these transcripts as evidence, and did not examine them). Dr. Katz said "upon

many occasions the hypnotist introduced very leading questions" and that "he [Dr. Fatter] made no attempt, as far as I can see, to press further, and at least attempt to find out what was fantasy and what was reality." This tends to suggest that Dr. Fatter may have induced Russo's story, and, as has been hinted, that Russo testified under post-hypnotic suggestion. Andrews made the charge stronger in his recusal motion that the story of a conspiracy "was planted in Raymond Perry Russo's head through hypnotic techniques...."

The three judges who heard Russo testify for one day, and submit to cross-examination for two days, were legally obliged to evaluate Russo's credibility according to what they had heard in court, and not according to the results of any tests performed on him. When the defense discovered Russo had been hypnotized, he was asked, "Are you under hypnosis right now?" (*Transcript*, p. 245). Later the question of a post-hypnotic suggestion was raised (*Transcript*, p. 252). Dr. Fatter was then called as a witness. The critics do not pay much attention to the doctor, apparently assuming he is part of Garrison's plot. Yet his credentials seem impressive. The defense accepted him without challenge as a reputable medical expert, introducing no counter-experts of their own. The doctor claimed that Russo's memory was refreshed by hypnosis. The defense successfully, and rightly, blocked both the clever attempts of the prosecution to get the details of the results of the hypnotic sessions into the record, and Dr. Fatter's evaluation of the reliability of what Russo said under hypnosis. The doctor did testify emphatically that "Mr. Russo was, as far as I know, not under any hypnotic state while he was on this [the witness] stand" (*Transcript*, p. 418). After a long legal battle, Dr. Fatter was finally allowed to read into the record the exact post-hypnotic suggestions he gave Russo on March 12, 1967. These were read from his notes.

> ...*Anytime you want to, you may permit yourself to become calm, cool and collected*. I want you to know that you have a task that you have voluntarily gone into. You can let yourself and *you will be amazed at how acute your memory will be in the next few weeks*. Days will seem to pop into your mind and it will be only the truth as you say it. And it will be nothing more and nothing less. And you can permit these truths to come into your mind exactly as you have seen them without fear and without remorsefulness. That's right. Because all you will be doing is telling the truth, Perry, as you see it. Nothing more and nothing less....Remember...now you have a task which you yourself have elected to perform... [*Transcript*, pp. 421-2].

As Dr. Fatter insisted under cross-examination, his suggestion to Russo "was that he tell the truth, the whole truth and nothing but the truth" (*Transcript*, p. 424. See also pp. 427-8). The critics so far do not seem interested in the transcript of these hearings, and do not refer to them. NBC quoted only the italicized phrases in the above statement.

Courts, for good reasons do not allow the results of polygraph tests, sodium pentothal, or hypnosis to be taken as measures of the reliability or accuracy of testimony, since they have yet to be proven sufficiently reliable to grant them evidential status—although both Garrison's office and the critics are using them widely as investigative and corroborative techniques. Russo was on the witness stand for three days, two under severe cross-examination.

The defense did not manage to shake his story nor apparently did they convince the three judges that he was untrustworthy. They were unable to discredit or disprove any of the elements of his story. The full transcript of Russo's testimony runs to 256 pages. On the basis of the evidence presented, three judges unanimously voted to indict Shaw. The points later raised by Phelan and others, if legally admissible, and if substantiated, may lead to other evaluations when Shaw comes to trial. Up to now, however, the only legal test of Russo's testimony by the adversary procedure (a test which was not given to testimony accepted by the Warren Commission) has resulted in its acceptance by the judges, and presumably by a Grand Jury.

RECENTLY I SPENT over two hours interviewing Perry Russo. I explored his testimony and his knowledge of events relevant to Garrison's investigation at great length. Russo is quiet-spoken, careful, quite unexcitable (except with regard to charges that relate to his mental stability or truthfulness), and annoyed at the way his life has been changed since he became a witness. His story and his explanations of it all seemed to me consistent and plausible. We ranged widely over many topics and aspects of his testimony. At no time in the interview was I able to find any gap between what he told me or what he had said previously and what is known about the events he described. Events for Russo seem to be related to a central feature of his life, his baseball activities (he is the coach of a semi-pro team), and he places past occurrences by the dates of sports events. In February, before he had approached Garrison, he told a TV interviewer in Baton Rouge that Ferrie never mentioned Lee Harvey Oswald to him, and that "I had never heard of Oswald until the television of the assassination" (*Transcript*, p. 487). He told another interviewer, "I don't know Clay Shaw" (*Transcript*, p. 219). Russo's explanation at the hearings and to me is that the friend of Ferrie's was Leon Oswald, and that he had never heard of Lee Harvey Oswald until the assassination. The man he met at Ferrie's party was Clem Bertrand. Russo seemed anxious to be extremely exact about what he had seen. He is emphatic in maintaining that his story was always the same, and that what he has said at various times is completely consistent. I find it very hard to believe that his story was, as Phelan and Andrews say, planted in his mind by Dr. Fatter. Nor does Russo seem a likely person to have been chosen to fabricate a case, as Andrews and others have claimed.

NBC devoted a good deal of time to interviewing Niles Peterson, a friend of Russo's and a fellow baseball player, who attended the party at Ferrie's house that is the central feature of Russo's story. Peterson did not appear at the preliminary hearings; until now his testimony has not been examined in court. Peterson partly confirmed Russo's story. He says he attended the party in September 1963 for between twenty and twenty-five minutes. Peterson's description of Ferrie's roommate fits pretty closely with Russo's description of the character there who looked like Oswald. But Peterson said he did not see anyone who looked like Shaw at the party. Sandra Moffitt, who is also supposed to have been at the party, appeared on NBC, but was not asked anything about the event. She has refused to return to New Orleans for questioning. The value of the testimony of the people who attended the party in confirming or discrediting Russo's account can only be assessed when that testimony is presented and examined in court.

Until now Russo's testimony is the main data offered publicly by Garrison, and it has so far stood up whenever it has been presented in court. A major criticism of Garrison is that he hasn't offered more, and possibly more convincing, information than the testimony of Russo and Bundy. Garrison's early claims that he had solved the case, and his suggestion that sensational revelations were imminent, led many people to expect him to present much more public data by now. But he hasn't had to, nor should he. His case is to be presented in a court. He has had many people called before the Grand Jury, some of whom have been indicted for perjury. In order to have a fair trial, the District Attorney (as well as the defense counsels) has been ordered not to discuss the case and the evidence in public prior to trial. In view of the recent decision in the Sheppard case, Garrison must be extremely wary of making public statements that could influence public opinion about Shaw's innocence or guilt. He was not so careful at the outset and this has hurt his case with the public.

But in view of the fact that Garrison is now required not to give his evidence before the trial, why do people feel that rather than suspend judgment, they have to prejudge? So far every judicial step—the preliminary hearing, the Grand Jury hearing, the various motions heard and still being heard by Judge Haggerty and other—seems legally in order, and has not been decried by the defense. No suggestion has been made that Shaw's trial will be unfair. No one has challenged Judge Haggerty's honesty, integrity, or judicial manner. No jury yet exists. Shaw is still legally innocent till proven guilty; there is no reason to believe that he won't be given a fair trial. Andrews's trial appears to have been a fair one.

THAT THERE IS a lot more evidence seems likely. Garrison had been investigating Ferrie for months before his death in February. NBC stated that Shaw was a suspect as early as October 1966, at the time Garrison began his investigation. Shaw was questioned in December. Thus long before late February and early March when Bundy and Russo turned up as witnesses, Garrison had reasons for suspecting Ferrie and Shaw. Some of them are suggested in a bill of particulars which Garrison submitted to Judge Haggerty on June 5. This included a list of some of the acts allegedly committed by the conspirators, evidence of which Garrison now claims to have.

Besides the meeting described by Russo, Garrison has alleged that Shaw went to Baton Rouge on September 3, 1963, "there meeting Lee Harvey Oswald and Jack Ruby at the Capitol House Hotel and delivering to Lee Harvey Oswald and Jack Ruby a sum of money." Shaw's trip to the West Coast in November 1963 and Ferrie's from New Orleans to Houston on November 22, 1963 are also alleged to be conspiratorial acts. How strong the evidence is we will only be able to tell when the case goes to court. From the conversations Jones Harris and I have had with Garrison and his staff, there appear to be further leads and reports that may constitute material evidence at a future trial. The record of Garrison's office in successfully prosecuting crimes is impressive. Their success in convicting Andrews and convincing New Orleans judges and the Orleans Parish Grand Jury on matters relating to their assassination probe indicates that they

have had sufficient legal evidence at each step. So at this stage of the affair there does not seem to be good cause for concluding that there is no evidence, and no case.

In the June 1967 *Ramparts*, William Turner, who is close to Garrison, described in some detail the kinds of suggestive evidence there may be. He names, for example, a Dallas cab driver "who is prepared to testify he twice drove Oswald to Ruby's Carousel Club, once in the company of David Ferrie." He indicates Garrison has been following out the "Second Oswald" theory, especially in connection with the account of Mrs. Odio, who told the Warren Commission that "Leon" Oswald and two others visited her in late September 1963 in Dallas, and wanted her to finance the assassination of Castro or Kennedy.

Is Garrison's theory of the assassination plausible? He has indicated he believes the assassination was planned and carried out by a group of anti-Castroites, who were based in New Orleans and involved with the CIA in their Cuban activities. They were hostile to Kennedy because of his decisions to limit the Bay of Pigs invasion and his later policies after the missiles crisis, including guarantees against an invasion of Cuba. The group in question, Garrison has claimed, included Shaw, Ferrie, Oswald, Ruby, and others.

As one who is skeptical of the Warren Commission theory, I believe that if Oswald had been involved in a conspiracy his involvement must have predated his trip to Mexico City on September 25, 1963. One must therefore go back to his New Orleans period. Last year in *The Second Oswald* I suggested, "Maybe some right-wing Cubans involved him [Oswald] in a plot when he was in New Orleans." The patently spurious nature of Oswald's Fair Play for Cuba activities in New Orleans indicates he was engaged in something abnormal or unusual. The Warren Commission's view of him in this period was that he was a frustrated leftist "loner," unable to hold a job, unable to go to Russia or Cuba, and unable to get along with his wife. This picture does not fit the strange and fraudulent nature of Oswald's leftist activities: he created a branch of the Fair Play for Cuba Committee, had FPCC membership cards and leaflets printed, distributed the leaflets, and carried on a correspondence with the national FPCC office giving false details of his branch's activities, while in fact the FPCC branch had only one member, Oswald, and never held a meeting. He compiled a dossier for the Cuban embassy in Mexico City, apparently trying to interpret all the information about what he was doing as proof of his leftist credentials.

The Warren Commission picture also does not jibe with information suggesting that Oswald was friendly with various right-wing Cuban exiles. Evaristo Rodriguez and Orest Pena testified to the Warren Commission that they saw Oswald in a bar with a Latin type in August 1963. The *Report* (p. 325) tried to discredit their testimony, even though both men are certain it was Oswald, and that they recognized him at once when they saw his picture in the papers after the assassination (11:33964). Pena's bar was a hangout for Cuban exiles, and Pena himself had been active in the anti-Castro organization run by Sergio Arcacha Smith, a well-known figure in anti-Castro circles in the Southwest. Oswald used the address of this

organization on some of his leaflets, a fact the Warren Commission could never explain. Pena had also been friendly with Carlos Bringuier, a Cuban exile leader whom Oswald had visited, and whose store is near Pena's bar. Bringuier was the man who later got into a fight with Oswald for which they were both arrested, and who still later debated Oswald on radio about Cuban affairs.

Even more interesting, and perhaps more central to Garrison's investigation, is the information given by Dean Andrews which is cited in the Warren Commission *Report*. Andrews reported to the FBI on November 24, 1963, that during the late spring and early summer of 1963 Oswald came into his law office to discuss his wife's citizenship problems and his own dishonorable discharge from the armed forces." The "friendless" Oswald was accompanied on these visits once by a Mexican and at other times by Latin homosexuals. Andrews said he last saw Oswald when he was passing out pro-Castro leaflets on the street. They talked; Andrews demanded his fee, and Oswald told him he was being paid to give out the leaflets. Around 4 P.M. November 23, Andrews reported, a man he knew slightly, Clay Bertrand, telephoned him and asked him to defend Oswald. Andrews was in the hospital at this time, and after he left he tried to locate the records of his relations with Oswald and Bertrand, but could not do so. (His office had been rifled shortly after he got back to work.) The FBI and the Secret Service could find no trace of Bertrand and nothing about him in Andrews's records.

Andrews later retracted some of his story, saying that FBI agents were on him "like the plague"; but he repeated the original version under oath to the Warren Commission's counsel, J. Wesley Liebeler, in an apparently antagonistic interview—antagonistic both because of Andrew's very special argot and because of his complete disbelief in the Warren Commission theory (11:325-339). In this interview, Andrews added that he had recently seen Clay Bertrand in a bar, but Bertrand ran away. Andrews gave Liebeler detailed descriptions of Bertrand. The Warren Commission chose not to believe his story and its implications that Oswald, "the loner," had a Mexican friend, that he had homosexual companions, and that he had a protector in "Bertrand" from the very beginning. However, they had ample corroboration of Andrews's story. On December 6, 1963, Andrews's assistant, R. M. Davis, told the FBI that in June of that year Andrews had discussed with him the problem of changing a dishonorable discharge. He also told them that Oswald's picture was vaguely familiar to him, that Oswald may have visited the office. "In addition, he [Davis] can recall Andrews having mentioned to him on various occasions that an individual named Oswald had been to Andrews's office" (Commission Exhibit 2900, 26: 357). Moreover Andrews's secretary told the FBI that Andrews had called her at about 4 P.M. on November 23 "and told her that he was representing Lee Harvey Oswald in Dallas Texas." The next day Andrews told her Bertrand had hired him (Commission Exhibit 2901, 26:357). Andrews also called his own lawyer, Monk Zelden, and asked him if he would go to Dallas to see Oswald. It was from Zelden that Andrews learned that Oswald was dead.

All of this seems to confirm Andrews's original story. If this story is true, then Oswald is not the man portrayed by the Warren Commission. He had friends among the Latin community. He was involved with homosexuals. And somebody of some importance was interested in his welfare *after Kennedy had been assassinated*. All of this bears no resemblance to the Warren Commission's description of Oswald's life in New Orleans. If one takes Andrews's story seriously, then Oswald's New Orleans period certainly should be reinvestigated.

NOW THAT Andrews has been convicted of perjury it becomes all the more important to understand his strange behavior. As we have seen, he has again and again changed his story about Clay Bertrand, first describing him to the Warren Commission, then denying to the Grand Jury that he could recognize him, then identifying him as Eugene Davis. At the recent trial a recording was introduced in which Andrews stated he was looking for three people—Clay Bertrand, the Mexican who came into his office with Oswald, and the man who killed Kennedy, and that he had found two of them! He had told the Grand Jury that he did not know who killed Kennedy. One reason for his reluctance to identify Bertrand seems to be a fear of physical violence which he has made clear to reporters. "How would you like to have your brains knocked out and be busted down to your toes?" he told the *States-Item* on June 29.

In any case, the core of Andrews's original story—that Oswald was his client and had both homosexual friends and an important protector—is not affected by Andrews's recent and future trials. His recent trial and conviction established all the more strongly that he does know who Bertrand is, and suggest that he is shielding someone, the person who wanted to help Oswald *after* the assassination, and who presumably knew that Oswald was involved with Latins.

It is puzzling that Andrews has repeatedly insisted that he "invented" a character named Manuel Garcia Gonzales, whom Garrison has been investigating. Andrews said this on the NBC program, has it in his recusal motion, and kept bringing this up during the hearing on the motion. In doing this, he seems to be trying to discredit Garrison's methods and theories; perhaps he again fears the consequences of identifying a man he once named. Garrison has suggested that Gonzales not only exists, but was a key figure in the conspiracy, possibly a gunman; that he appeared with Oswald at various times, and may be the person who was photographed while passing out leaflets with Oswald at the trade mart in New Orleans. Garrison has a gun which the police took from a Manuel Garcia Gonzales, and the defense at the Shaw hearings had the US immigration files on "Garcia Manuel Gonzales" and "Manuel Garcia Gonzales" introduced into the court record. Garrison has obtained a Grand Jury Indictment of Gonzales and is now seeking him for arrest.

During the last few months there have been rumors of other signs that Oswald was known in both Latin and homosexual circles in New Orleans. I have heard from several newspapermen and from people in Garrison's office that in the summer of 1963 a policeman saw him in a car with David Ferrie. He is supposed to have been seen in bars with Cubans and with

homosexuals (sometimes overlapping classifications). If this information is valid, we no longer have the Warren Commission Oswald, but we do have Oswald in the setting which Garrison is investigating.

Ferrie is a central figure in Garrison's theory. It was Ferrie who broke the story to the New Orleans *States-Item* in February that Garrison was reinvestigating the assassination. A few days later Ferrie died. The coroner held he died of natural causes; Garrison that he committed suicide (and Novel apparently thinks he was murdered). His death occurred a couple of days before Garrison planned to arrest him on the charge of having conspired to assassinate Kennedy.

Could Ferrie have been involved, and could a conspiracy have involved both him and Oswald? David Ferrie was one of Garrison's very first suspects. He was arrested by Garrison in late November, 1963, on a tip that he had been involved in the assassination. On November 24, 1963, according to a document in the National Archives, the Secret Service asked Marina Oswald if she knew or knew of a "Mr. Farry." Ferrie's name came up briefly in the investigation of the assassination, and he is mentioned several times in the hearings as having possibly been involved with Oswald when Oswald was in high school. A school chum of Oswald's testified that he thought Ferrie and Oswald met at Civil Air Patrol meetings (8:14), but New Orleans Detective O'Sullivan, who also had known Oswald in high school and who knew Ferrie in the CAP, also testified that he had no knowledge of their meeting. O'Sullivan was then asked by Liebeler, "Am I correct in understanding that there has been publicity here in the New Orleans area concerning a possible relationship between Oswald and Ferrie?" O'Sullivan explained that Ferrie had been arrested a few days after the assassination, and that O'Sullivan and other police officials had examined Ferrie's plane to see if "he may have transported Oswald to Dallas." They came to the conclusion that this plane could not have been flown, and they found he had not rented any other plane at the airport (8:29-31). Commission Exhibit 1413 (2:826-27) shows that the New Orleans police were investigating Ferrie as early as November 27, 1963.

A secret Service report in the National Archives, dated December 13, 1963, explains that the Secret Service received a call on November 24, 1963, about Ferrie, in which they were told that an informant said Ferrie was connected with Oswald, had trained him to use a rifle, and also that Ferrie had been in Dallas around November 10. The Secret Service found out that Garrison's office was already investigating Ferrie. The next day, November 25, 1963, Ferrie had been found and was being interrogated in Garrison's office. The Secret Service then interviewed Ferrie, as did the FBI, but let the matter drop.

Ferrie's movements on November 22, 1963 were so unusual that they apparently convinced Garrison he was up to something at the time. He was in New Orleans and left shortly after the assassination on what he told friends was a goose-hunting trip. In fact, he drove to Houston to an ice rink, where he made his presence known by loudly telling everyone there his name. He apparently received a phone call there, left, and moved to a motel in Galveston where he made many long-distance calls. He returned to New Orleans on the 24th, having driven 1000 miles in two days. (Some of this is

recounted in *The New York Times*, February 25, 1967.) The Secret Service document claims Ferrie told them he returned to New Orleans, left a couple of hours later for Hammond, Louisiana, and then came back to New Orleans again on the 25th. (Garrison has reported that the records of Ferrie's phone calls for November 1963 are unavailable or missing. Recently, Ferrie's bank records have been subpoenaed.)

Ferrie was an eccentric who had many interests and careers. He had gone to college, and to two seminaries to train for the priesthood (where he was dismissed for emotional instability, infractions of house rules, critical attitude, and brashness). He became a pilot for Eastern Airlines, from which he was apparently dismissed because of his homosexual activities. He had worked as a chemist and as a private investigator. His interests ranged among philosophy, theology, history, politics, cancer research, psychology (he had a Ph.D. degree in psychology from "Phoenix University" on his wall), and he had a great many books on all these subjects. He had suffered from a disease which made him lose his hair, and he looked weird, wearing wigs and false eyebrows. Nevertheless, he apparently had a very forceful personality and attracted many people. He was a good linguist, and knew several languages, including Spanish.

ACCORDING to William Turner's account in *Ramparts*, June 1967 (which doesn't give sources), Ferrie was collecting money for Castro in 1958, then turned against him. He is reported in this story to have flown bombing raids and rescue missions to Cuba from Florida, in a plane owned by a former Batista official who was killed the day Ferrie died. Ferrie had claimed to have been in the Bay of Pigs affair. (He had a flight map with a route for flying to Mayaguana Island and to Haiti.) He was friendly with Cuban exile leaders. (Garrison has charged that Ferrie, Arcacha Smith, and Novel conspired to steal munitions in 1961. Novel has said it was done on instructions from the CIA before the Bay of Pigs.) Russo and others have said that Cubans were at the party at Ferrie's house.

Ferrie had become extremely anti-Kennedy after the Bay of Pigs. Russo, who saw him frequently until November 1963 (after which their close friendship inexplicably terminated), testified that Ferrie was "obsessed with Kennedy," that he carried around clippings and pictures of Kennedy (*Transcript*, pp. 50-51). In an interview on WAFB-Baton Rouge, February 24, 1967, Russo said.

> Ferry was obsessed more or less with the idea of Kennedy and what he was doing to Cuba or Castro ...he talked in general terms, not specifically about Kennedy though [i.e., in the summer of 1963] about how easy it would be to assassinate a president of the United States because of the fact he was in public view so much and unprotected more or less and there was so many people and the availability of exits and the fact that he could drive a plane to get out of the country, and he used to just posingly—jokingly pose the question that, you know, he and I could do it: you know, just in a joking way, he said it could be done.

In October, 1963, Russo says that during a conversation about Kennedy, Ferrie told him, "We will get him and it won't be very long" (*Transcript*, p. 486).

Ferrie's violent attitudes are reflected in angry letters written in 1950 when he was trying to get an Air Force commission. He wrote Louis Johnson, then Secretary of Defense, that he could teach pilots "and by God they will get in to action to kill these Russians (that should have been wiped out years ago!) and still get back to do it again...When am I going to get the commission—when the Russians are bombing the hell out of Cleveland?" Around the same time Ferrie wrote to General Hale, Commanding Officer of the First Air Force, saying "There is nothing that I would enjoy better than blowing the hell out of every damn Russian, Communist, Red or what-have-you...What if I do get killed—can't I take some of that [*sic*] dirty bastards with me?... Between my friends and I we can cook up a crew that can really blow them to hell." Then he explained, he really wanted to train pilots. "Then I want to train killers, however bad that sounds. It is what we need." (Needless to say, Ferrie got back a polite business letter with the application forms, but he never got the commission.)

IN 1963 FERRIE worked for a private investigator, W. Guy Bannister (who died suddenly in 1964). Turner's *Ramparts* article suggests that Bannister was involved with the Minutemen and violent anti-Castro groups, that his office was one of the recipients of the munitions stolen in 1961. (Novel said, according to the *States-Item*, June 14, 1967 and the *Times-Picayune*, July 4, 1967, that he took these mysterious munitions to Bannister's office, as part of his intelligence work prior to the Bay of Pigs. Novel also said he was acting as a CIA intermediary at the time.) Bannister put out a far-right-wing news-letter, the *Louisiana Intelligence Digest* (which Ferrie read), attacking desegregation as a Communist conspiracy. Bannister was a former FBI official and a former police superintendent. In 1963, Bannister had an office at 544 Camp Street, where Ferrie often went when he was working for him. Oswald gave this address on some of the pro-Castro material he handed out in New Orleans. Five hundred and forty-four Camp is two doors from the Reilly Coffee Company, where Oswald was working until July 1963—although he was usually absent, and was reported to be at Alba's garage next door much of the time. The right-wing Cuban Democratic Revolutionary Front, formerly headed by Sergio Arcacha Smith, also had offices at 544 Camp St. The Warren Commission was baffled by Oswald's use of this address. "While the legend 'FPCC 544 Camp St. NEW ORLEANS, LA.' was stamped on some of the literature that Oswald had in his possession at the time of his arrest in New Orleans, extensive investigation was not able to connect Oswald with that address" (*Report*, p. 408. See also Commission Exhibits 1413-4). The Cubans had moved out by then, but Bannister and Ferrie, unknown to the Commission, were there. The Commission apparently did not realize that Oswald was in the vicinity of this building from May 9 to July 19, when he was working for the coffee company. Information now circulating in New Orleans suggests that there was something more to Oswald's working there and to his visits to Alba's garage—reportedly a service station for FBI and Secret Service cars—than the Warren Commission ever found out.

In Ferrie's library there is a book, *Firearms Investigation, Identification and Evidence* by J. S. Hatcher, Frank J. Jury, and Joe Weller (Harrisburg 1957). The underlinings and markings in this are fascinating, but unfortunately they are impossible to date. Ferrie was obviously concerned with the

problem of bullet comparisons, and put a marker in the book which said COMPARISON DANGEROUS. He underlined many passages about the technical ways in which bullets can be found to be from the same gun, or not to be, and the difficulties that can arise in comparing test and expended bullets. Ferrie also marked passages about the character of exit and entrance wounds (doubly underlining a passage about what would be the case "if death followed reasonably soon"). He took note of the news that "Almost any bullet can change course in a human body. If this is not understood, entirely erroneous conclusions based on the relative positions of entrance and exit wounds could be arrived at." He underlined a passage on how people commit suicide by shooting themselves. He seemed extremely interested in the patterns of shell ejection, putting a marker in the section on measurements and marking up a page of diagrams in which he seemed most concerned with the figures for a Savage automatic pistol and the direction of its ejection pattern. These markings are suggestive, but their significance depends upon whether they were made before or after the assassination.

In Ferrie's copy of Epstein's *Inquest*, above the reproduction of Commission Exhibit 397 showing Kennedy's wounds, there is a hand-drawn diagram of a head, with two arrows. One arrow follows the downward flight of a bullet, the other an *upward* path from Kennedy's back to his throat, at a 60 degree angle—the angle that would result if he followed the marking of the back wound on the "face chart" reproduced in Epstein's book.

The information of Ferrie indicates he was at least a possible suspect. He hated Kennedy, was involved in violent and conspiratorial activities, was involved with the Cuban exiles, could have been involved in CIA-sponsored affairs, and behaved very strangely right after the assassination. If he was involved with Oswald, or even with any of Oswald's acquaintances in New Orleans, then he becomes even more suspect. He seems to have possessed the knowledge, the ingenuity, the interest, and the ability to play a leading role in a violent conspiracy.

A FASCINATING DOCUMENT released by Garrison at the end of June (reported at length in the New Orleans press, but not elsewhere) seems further to suggest that Garrison may be on the right track. It is a memorandum on "cufiles on assassination," prepared by one of Garrison's assistants, Tom Bethel, from the Warren Commission papers in the National Archives (Bethel will soon bring out a study of the character of the material that is still classified.) First, Bethel quotes an affidavit from a State Department officer stating that he had received a copy of a telegraphic message from the CIA, dated October 10, 1963, about Oswald's then current activities. This is the first indication of the CIA's interest in Oswald *before* the assassination. Bethel's memo then lists twenty-nine of fifty-one still classified CIA files on Oswald in the National Archives, including such items as "CD 674 Info given to the Secret Service but not yet to the Warren Commission," labeled "secret"; "CD 692 Reproduction of CIA official dossier on Oswald"; "CD 931 Oswald's access to information about the U-2," "secret" (he was at a base in Japan from which the U-2's may have been flown); "CD 971 Telephone calls to U.S. Embassy, Canberra, re: assassination plot," "secret"; "CD 1273 Memo from Helms re: apparent

inconsistencies in info provided by CIA," "secret." The evidence of CIA interest in Oswald before the assassination—the affidavit of the State Department officer and the existence of still secret information regarding Oswald—leads to speculation along the lines of Garrison's theory that Oswald and his New Orleans friends were involved with CIA-sponsored activities.

All this material suggests that Garrison is working on a conspiracy theory that is a possible one within the framework of what is known, unless one accepts the Warren Commission as definitive. What has been disclosed so far seems to fit many of the clues now available, and to trace Oswald's activities back to a likely source, his life in New Orleans. This is not to say that skepticism about the Warren Commission in any way entails agreement with Garrison's theory. But even the very limited information that has been made public suggests that Garrison may eventually be able to provide a detailed account of what happened and who was involved.

The first major test of whether he is right, or is on the right track, is not the evaluations of the press and TV, but the judgment of an open court. In October or November, Clay Shaw will probably be tried, at which time we can see what the evidence really is and how it will stand up. Assistant District Attorney James Alcock of New Orleans has asked for a conference with the defense and the court to set a specific trial date, "so we can get this thing out of the TV studios and into the courtroom where it belongs" (*States-Item*, July 6, 1967). The Governor of Louisiana, John J. McKeithen, when asked about the allegations against Garrison, and the demands to have the Attorney General step in, said that Garrison should be allowed to complete his investigation; "to do otherwise would be 'to confound and confuse the people of the world."' If the investigation were not allowed to run its course, "it would raise even more doubts not only in the nation but in the world" (*States-Item*, June 30, 1967).

Garrison has taken on a serious reinvestigation of the assassination of President Kennedy. He has said people will be surprised when the evidence comes out. He should be given a fair chance to show whether he has found out what led up to the tragic events in Dealey Plaza on November 22, 1963.